

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 In the Matter of)
4)
5 MUR 7311) DISMISSAL AND
6 David Gevry for President 2020 and Christopher) CASE CLOSURE UNDER THE
7 Savage in his official capacity as treasurer,) ENFORCEMENT PRIORITY
8 David C. Gevry for President 2020 and) SYSTEM
9 Christopher Savage in his official capacity as)
10 treasurer, and)
11 David Christopher Gevry)
12)

13
14 **GENERAL COUNSEL'S REPORT**

15 Under the Enforcement Priority System, the Commission uses formal scoring criteria as a
16 basis to allocate its resources and decide which matters to pursue. These criteria include, without
17 limitation, an assessment of the following factors: (1) the gravity of the alleged violation, taking into
18 account both the type of activity and the amount in violation; (2) the apparent impact the alleged
19 violation may have had on the electoral process; (3) the complexity of the legal issues raised in the
20 matter; and (4) recent trends in potential violations of the Federal Election Campaign Act of 1971, as
21 amended (the "Act"), and developments of the law. It is the Commission's policy that pursuing
22 relatively low-rated matters on the Enforcement docket warrants the exercise of its prosecutorial
23 discretion to dismiss cases under certain circumstances.

24 The Office of General Counsel has scored MUR 7311 as a low-rated matter and has
25 determined that it should not be referred to the Alternative Dispute Resolution Office.¹ For the
26 reasons set forth below, we recommend that the Commission dismiss the allegations that David
27 Gevry for President 2020 and Christopher Savage in his official capacity as treasurer, David C.

¹ The EPS rating information is as follows:
received.

. Complaint Filed: January 19, 2018. No response received.

1 Gevry for President 2020 and Christopher Savage in his official capacity as treasurer, and David
2 Christopher Gevry² violated the Act or Commission regulations.

3 The Complainant alleges that the Respondents fraudulently used his address on their
4 Statements of Candidacy and Organization.³ Respondents did not respond to the Reports Analysis
5 Division's ("RAD") Requests for Additional Information.⁴ As a result, RAD removed Respondents'
6 filings from the Commission's searchable candidate/committee filings database and placed them in
7 the unverified filings database.

8 Within fifteen days of becoming a candidate,⁵ the candidate must designate a principal
9 campaign committee by filing a Statement of Candidacy ("FEC Form 2") that includes, among other
10 things, the individual's address and his or her principal campaign committee's name and address.⁶
11 The principal campaign committee must then file a Statement of Organization ("FEC Form 1") no
12 later than ten days after designation by the candidate that includes, among other things, the
13 committee's address.⁷

14 Given that the FEC Forms 1 and 2 have been removed from the Commission's searchable
15 candidate/committee filings database, we recommend that the Commission dismiss the allegations

² Gevry is a 2020 candidate for President. David Gevry for President 2020 and David C. Gevry for President 2020 were registered as his principal campaign committee.

³ Comp. at 1 (Jan. 19, 2018).

⁴ Pursuant to RAD Standards 2 and 3, Requests for Additional Information were sent seeking a response as to whether the information on the Forms 1 and 2, respectively, was correct.

⁵ 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3.

⁶ 52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1(a).

⁷ 52 U.S.C. § 30103(a); 11 C.F.R. § 102.1(a). FEC Forms 1 and 2 require the individual to "certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete" and contain the informational statement that the "[s]ubmission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 52 U.S.C. § 30109." FEC Form 2, Statement of Candidacy, <https://www.fec.gov/resources/cms-content/documents/fecfrm2.pdf>; FEC Form 1, Statement of Organization, <https://www.fec.gov/resources/cms-content/documents/fecfrm1.pdf>; *see also* 11 C.F.R. § 104.14(d).

1 consistent with the Commission's prosecutorial discretion to determine the proper ordering of its
2 priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

3 **RECOMMENDATIONS**

- 4
5 1. Dismiss the allegations that David Gevry for President 2020 and Christopher Savage in
6 his official capacity as treasurer, David C. Gevry for President 2020 and Christopher
7 Savage in his official capacity as treasurer, and David Christopher Gevry violated the Act
8 and Commission regulations, pursuant to the Commission's prosecutorial discretion
9 under *Heckler v. Chaney*, 470 U.S. 821 (1985);
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11 2. Approve the attached Factual and Legal Analysis and the appropriate letters; and
12
13 3. Close the file as to all respondents.
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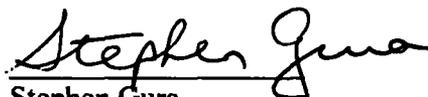
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16 Lisa J. Stevenson
17 Acting General Counsel
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20 Kathleen M. Guith
21 Associate General Counsel
22

23
24 June 13, 2018

25 Date

26
27 BY:



28 Stephen Gura
29 Deputy Associate General Counsel



30 Jeff S. Jordan
31 Assistant General Counsel



32 Kristina M. Portner
33 Attorney
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38 Attachment:
39 Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

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3 RESPONDENTS: David Gevry for President 2020 and MUR 7311
4 Christopher Savage in his official capacity as treasurer,
5 David C. Gevry for President 2020 and
6 Christopher Savage in his official capacity as treasurer, and
7 David Christopher Gevry
8

9 This matter was generated by a complaint alleging violations of the Federal Election
10 Campaign Act of 1971, as amended (“the Act”) and Commission regulations by David Gevry for
11 President 2020 and Christopher Savage in his official capacity as treasurer, David C. Gevry for
12 President 2020 and Christopher Savage in his official capacity as treasurer, and David
13 Christopher Gevry. It was scored as a low-rated matter under the Enforcement Priority System,
14 by which the Commission uses formal scoring criteria as a basis to allocate its resources and
15 decide which matters to pursue.

16 The Complainant alleges that the Respondents fraudulently used his address on their
17 Statements of Candidacy and Organization.¹ Respondents did not respond to the Reports
18 Analysis Division’s (“RAD”) Requests for Additional Information. As a result, RAD removed
19 Respondents’ filings from the Commission’s searchable candidate/committee filings database
20 and placed them in the unverified filings database.

21 Within fifteen days of becoming a candidate,² the candidate must designate a principal
22 campaign committee by filing a Statement of Candidacy (“FEC Form 2”) that includes, among
23 other things, the individual’s address and his or her principal campaign committee’s name and

¹ Comp. at 1 (Jan. 19, 2018).

² 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3.

1 address.³ The principal campaign committee must then file a Statement of Organization (“FEC
2 Form 1”) no later than ten days after designation by the candidate that includes, among other
3 things, the committee’s address.⁴

4 In furtherance of the Commission’s priorities relative to other matters pending on the
5 Enforcement docket and given that the Forms 1 and 2 have been removed from the
6 Commission’s searchable candidate/committee filings database, the Commission exercises its
7 prosecutorial discretion and dismisses the allegations as to David Gevry for President 2020 and
8 Christopher Savage in his official capacity as treasurer, David C. Gevry for President 2020 and
9 Christopher Savage in his official capacity as treasurer, and David Christopher Gevry. *Heckler*
10 *v. Chaney*, 470 U.S. 821, 831-32 (1985).

³ 52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1(a).

⁴ 52 U.S.C. § 30103(a); 11 C.F.R. § 102.1(a). FEC Forms 1 and 2 require the individual to “certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete” and contain the informational statement that the “[s]ubmission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 52 U.S.C. § 30109.” FEC Form 2, Statement of Candidacy, <https://www.fec.gov/resources/cms-content/documents/fecfrm2.pdf>; FEC Form 1, Statement of Organization, <https://www.fec.gov/resources/cms-content/documents/fecfrm1.pdf>; *see also* 11 C.F.R. § 104.14(d).